

MEDICAL INFORMATION PRIVACY AND SECURITY ACT (MIPSA)

House Sponsor: **Representative Edward J. Markey**

Senate Sponsors: **Senator Patrick Leahy and Senator Edward Kennedy**

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What does MIPSA do?

If enacted MIPSA would be the first comprehensive federal health privacy law. It would close the existing gaps in federal privacy law to ensure protection of personally identifiable health information. It is broad in scope – it applies to medical records in whatever form – paper or electronic. It covers doctors, hospitals, researchers, insurers and many other entities. More specifically MIPSA:

- **Reaffirms the fundamental right to expect that the privacy of our medical records and of the doctor-patient relationship will be protected.**
- **Provides individuals with the right to inspect and an opportunity to supplement their own medical record – this is currently only permitted by 28 states.**
- **Provides patients the right to a clear explanation of who will have access to their personal health information and why, before this information is disclosed.**
- **Provides patients the right to limit disclosure of their personal health information only to individuals directly involved with their health care.**
- **Establishes a clear and enforceable right of privacy with respect to all personally identifiable medical information.**
- **Creates a set of rules to govern the disclosure of personal health information and narrows the sharing of personal details within the health care system to the minimum necessary to provide care, allow for payment and to facilitate effective oversight. Special attention is given to emergency medical situations, public health requirements, medical research and law enforcement.**
- **Requires law enforcement to obtain a warrant for access to medical records.**
- **Leaves in place the current Institutional Review Board (IRB) system for federally funded research as well as extending these rules to include non-federally funded research. It also requires a review of the current IRB practice to see if improvements can be made.**
- **Protects the rights of states to impose even stronger standards more protective of privacy than the federal bill. This approach to preemption creates a "federal floor" and is consistent with the approach taken in all other federal privacy and civil rights laws.**